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**OFFICE OF PETITIONS**

In re Patent No. 7,135,319 :  
Application No. 10/717,138 :  
Filed: November 19, 2003 : ON PETITION  
Issued: November 14, 2006 :  
Attorney Docket No. 16163-031002 :

This is a decision on the request under 37 CFR 3.81(b), filed July 28, 2006, to add the second assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

Petitioner states that the second assignee's name is Millennium Pharmaceuticals, Inc. and that it was omitted on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to the two assignees: Wyeth and Millennium Pharmaceuticals, Inc.

37 CFR 3.81(b), effective June 25, 2004, reads:

*After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.


A review of Office database assignment records reflects that an assignment to Wyeth and Millennium Pharmaceuticals, Inc. has been recorded in the parent application, 09/770,834. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that both Wyeth and Millennium Pharmaceuticals, Inc. were the

assignees of record at the time of issuance of the application into a patent. *Note also 35 U.S.C. § 152.*

**In view of the above, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth Millennium Pharmaceuticals, Inc, as one of the assignees.** *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision must accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Inquiries concerning this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions